

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 20-44552

RONALD D. ADAMS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DISMISSING CASE

On March 28, 2020, a voluntary petition for relief under Chapter 13 was filed with the Court, purportedly on behalf of the Debtor. But the petition was not signed by the Debtor. Rather, the petition was signed by “Sheila Woodruff as Power of Attorney for Ronald D. Adams.” (Docket # 1 at pdf p. 6). But there was no document in the record that showed that anyone named “Sheila Woodruff,” or anyone else, holds a valid power-of-attorney for the Debtor. On April 16, 2020, a document was filed entitled “Durable Power of Attorney” (Docket # 9, the “Document”), which purports to appoint “Sheila Woodruff,” as attorney-in-fact for the Debtor. But such Document is invalid, and it fails to show that “Sheila Woodruff” had authority to sign the bankruptcy petition as attorney-in-fact for the Debtor. This is so for at least the following reasons:

- First, the Document was signed on April 3, 2020, six days *after* the voluntary petition was filed, so even if the Document was otherwise valid, Sheila Woodruff would not have had the authority to act on the Debtor’s behalf as of the petition date.
- Second, the Document is not properly signed, witnessed, or notarized. The Debtor purportedly signed the Document as a witness, not as the principal; there is no signature on the signature line for the “Principal;” no witnesses signed the Document; and the notary did not state a date on which the Document “was subscribed and sworn to before [him or her].”
- Third, “Sheila Woodruff” is the person who signed the petition, while the Document purports to grant “Sheila Woodruff” the power to act as the Debtor’s agent.

On April 20, 2020, the Court issued an order entitled “Order Requiring the Debtor to Show Cause in Writing Why The Court Should Not Dismiss this Case, on the Ground That the Petition Was Not Signed by Either the Debtor or an Attorney-in-Fact for the Debtor” (Docket # 13, the “Show-Cause Order”). The Show-Cause Order noted that, for the above three reasons, there was no valid document in the record which showed that Sheila Woodruff (or “Sheila Woodruff”) had the authority to act on behalf of the Debtor in signing the bankruptcy petition.

On April 24, 2020, an amended petition was filed, purportedly on behalf of the Debtor. It was not signed by the Debtor; rather, it was signed by “Sheila Woodruff as Power of Attorney for Ronald D. Adams” (Docket # 22 at pdf pp. 1, 8, 41). On April 30, 2020, a response to the Show-Cause Order was filed, purportedly on behalf of the Debtor (Docket # 24, the “Response”). But the Response is unsatisfactory; it failed to present a copy of any valid power of attorney signed by the Debtor. There is no such document anywhere in the record of this case.

Because the bankruptcy petition was not signed by the Debtor, or by any person shown to have a valid power-of-attorney for the Debtor, this case must be dismissed.

IT IS ORDERED that this case is dismissed.

Signed on May 4, 2020



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge